



DEPARTMENT OF LAW
CITY OF CHICAGO

December 13, 2017

Robert Kaplan
Acting Regional Administrator
U.S. Environmental Protection Agency, Region 5
77 W. Jackson Blvd.
Chicago, IL 60604

RE: Potential U.S. EPA Enforcement Associated with U.S. Steel Corporation – Midwest Plant

Dear Acting Regional Administrator Kaplan:

As you know, on November 20, 2017, the City of Chicago sent a letter to U.S. Steel Corporation ("U.S. Steel") constituting the City's notice of intent to file a federal enforcement action under the authority of the Clean Water Act citizen-suit provision, 33 U.S.C. § 1365(a) ("Chicago NOI"). In the Chicago NOI, we cite evidence that U.S. Steel has violated the terms of its Clean Water Act permit at its Midwest Plant, including violations of its hexavalent and total chromium effluent limitations. As explained in our NOI, in April and October of this year, U.S. Steel made multiple unlawful discharges of pollutants from its Midwest Plant, and we understand that the company failed even to disclose its October violation to your office. Our concerns about U.S. Steel's compliance with the Clean Water Act have been exacerbated by recent reports that after its October discharge, U.S. Steel chose not to test for the most serious pollutant, hexavalent chromium.

On November 28, 2017, we spoke to your office about Chicago's interest in ensuring that U.S. Steel complies with the Clean Water Act and that remedial measures be taken to address any harm to Lake Michigan from the company's unlawful discharges. The City understands that the U.S. Environmental Protection Agency ("EPA") and the Indiana Department of Environmental Management ("IDEM"), along with other federal agencies, are in discussions with U.S. Steel about a potential consent decree. From the City's perspective, this is an encouraging first step. Nevertheless, the City remains concerned that any consent decree provide adequate and appropriate protections against threats to the City of Chicago's drinking water supply posed by U.S. Steel's chromium releases.

Given the importance of protecting Lake Michigan to Chicago and its residents, please be advised that in the event that EPA, IDEM and U.S. Steel file a proposed consent decree, the City presently plans to seek party intervention status, pursuant to 33 U.S.C. § 1365(b)(1)(B). However, while the City is prepared to intervene in any proceeding to make sure that its interests are protected, the City would prefer to participate in the negotiations with government regulators and U.S. Steel.

Accordingly, the City is hereby requesting to be included in those discussions and in any negotiations going forward. By including the City in these discussions now, the City believes that a more efficient and comprehensive resolution could be obtained for all parties concerned. Therefore, I am requesting that you thoughtfully consider our participation, as well as forward this request to the other negotiating parties' appropriate contacts for their consideration.

Thank you for your prompt attention to this matter and I look forward to hearing from you.

Sincerely,



Edward N. Siskel
Corporation Counsel

cc: Chris Wheat, Chief Sustainability Officer, City of Chicago